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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,260	08/02/2006	Carmen Kuhl	IHN.060.WUS	9609

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EXAMINER	
SYED, NABIL H	

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,260	KUHL ET AL.	
	Examiner	Art Unit	
	NABIL H. SYED	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14,21,25,26 and 28-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-14,21,25,26 and 28-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a final office action in response to the amendments filed 7/06/10. Amendments received on 7/06/10 have been entered. As per applicant, claims 12, 15-20, 22-24 and 27 are cancelled. Claims 28-37 are newly added claims. Accordingly claims 1, 3-14, 21, 25, 26 and 28-37 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims1, 3-14, 21, 25, 26 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amtmann et al. (US Pub 2005/0218230) in view of Charrat et al. (7,098,770) and further in view of Lewis (US Pub 2005/0037707).

As of claims 1, 14 and 28, Amtmann disclsoes a reader device (via portable device 1 identifying data carrier 13; see abstract). Amtann further discloses that portable device 1 comprises a reader lock unit configured to cause the reader device to operate in a reader operation mode wherein the reader device transmits interrogation signals to detet and communicate with transponders (via a communication station configuration 10

interrogating data carriers 13; see paragraph [0018]; also see fig. 1). Amtmann further disclsoes that the portable device 1 further comprises an associated transponder logic unit (via data carrier configuration 11; see fig. 1). Amtmann further disclsoes that the data carrier configuration (transponder logic unit) is provided and designed fro contact-less communication with at least one communication station 14 (other readers) external to the portable device 1 (see paragraph [0018]; also see fig. 1).

However Amtmann fails to explicitly disclose that the portable device (reader device) uses a single radio frequency interface and antenna in both operating modes.

Charrat disclsoes a contact-less integrated circuit reader, which operates in a reader mode to read data from integrated circuit tags CIC (transponder, see fig. 2) and the reader RD1 also operates in a passive mode in which it functions a integrated circuit tag (see col. 2, lines 29-37). Charrat further disclsoes that the reader RD1 comprises radio frequency interface (via modulator MDC1 and data extraction circuit EXTC1) and an antenna (via antenna LCR1; see fig. 2). Charrat disclsoes that the reader RD1 communicates with the integrated circuit CIC (transponder) and other readers RD2 using the antenna LCR1 (see col. 3, lines 30-42; also see fig. 2).

From the teaching of Charrat it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Amtmann to include the step of using a radio frequency interface and antenna to communicate with other readers and transponder as taught by Charrat in order to use less components in the reader circuitry hence reducing the size of the circuitry used in the portable device.

Further with respect to the switching unit configured to activate the transponder logic unit when the reader device is not powered, Charrat disclsoes that when reader RD1 operates in a passive mode (transponder mode), it simulate the operation of a contact-less integrated circuit and reader RD1 transmit data to other reader RD2 by disturbing a magnetic field generated by another device to transmit data by inductive coupling (see col. 12, lines 40-46), so reader operates in a passive mode without any power supply.

In order to further support the Examiners assertion, Lewis disclsoes a mobile device 12 which includes a passive tag 14 (see fig. 2; also see paragraph [0024]). Lewis further disclsoes that the mobile terminal 12 includes bar code readers and radio transceiver 48 which permits the mobile terminal 12 to communicate with other devices (see paragraph [0041]; also see fig. 4). Lewis further disclsoes that passive tag 14 includes the coil 70 for receiving the RF signals transmitted by the controller 18 (interrogator/reader). The block 90 includes the circuitry for demodulating and decoding the received signal and the electrical power is derived from the energy of the RF signals itself (see paragraph [0048]), hence passive tag 14 is able to operated without the power from the mobile device's power supply (see paragraph [0049]). Lewis further discloses that the passive tag is able to receive and process signals from a controller 18 (hence being active/operational) even when the mobile device is not powered (see figs. 4 and 5; also see paragraph [0052]; [0012]-[0013]).

Hence the prior art includes each element claimed, although not necessaritly in a single prior art reference, with the only difference between the claimed invention and the

prior art being the lack of actual combination of the elements in a single prior art reference.

In combination, the combination of Amtmann and Charrat performs the same function as it does separately of switching a device between a reader operation mode and a tag operation mode. Lewis performs the same function as it does separately of allowing the tag to be operational even when the device it is embedded in is not powered.

Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately.

The result of the combination would have been predictable and resulted in modifying the combination of Amtmann and Charrat to include the functionality of communicating with a tag even when the device in which the tag is embedded is not powered up (see paragraph [0013]).

As of claims 3 and 29, Lewis disclsoes that the passive tag 14 is operable independently from a power supply of the mobile device 12 to which the tag is coupled and tag 14 is energized by an interrogation signal (see paragraph [0012]).

As of claims 4 and 30, Charrat discloses that reader RD1 operates in a passive operating mode in which it simulates the operation of a contact-less integrated circuit (transponder) to converse with another reader.

As of claims 5-8, 21 and 31, Amtmann disclsoes that the data carrier configuration 11 (transponder logic unit) comprises a non-volatile memory 30 (see fig. 1;

also see paragraph [0020]), since the memory is non-volatile, and it is well known that non-volatile memory includes read-only memory, so the data carrier configuration 11 will act as a read-only transponder. Amtmann further disclsoes that data content received from external communication station 14 can be stored in the memory 30, so the memory 30 can be designed as a configurable memory (see paragraph [0020]).

As of claims 9 and 32, Amtmann disclsoes that the activation means 33 selects one of the two configuration of the portable device, namely data carrier configuration 11 (transponder logic) and communication station configuration 10 (reader logic) (see paragraph [0023]). Hence comprising the switch unit as claimed in present claims. Chartat further discloses that a switch can be used to switch the reader RD1 into passive operating mode (see col. 8, lines 33-44).

As of claims 10 and 33, it can be seen that the reader RD1 in Charrat will operate autonomously in transponder operating mode, during periods of time when reader device is not energized, because Charrat disclsoes that when reader RD1 operates in a passive mode (transponder mode), it simulate the operation of a contact-less integrated circuit and reader RD1 transmit data to other reader RD2 by disturbing a magnetic field generated by another device to transmit data by inductive coupling (see col. 12, lines 40-46), so reader operates in a passive mode without any power supply.

Lewis disclsoes that the passive tag 14 communicates with the controller 18 (interrogator) even when the mobile device 12 (reader device) is not powered up (energized; see paragraph [0012]-[0013]).

As of claims 11 and 34, Charrat disclsoes that the modulation circuit MDC1 and extraction circuit EXTC1 (radio frequency interface) is adapted to provide signals required for operation of reader RD1 in reader operation mode and in transponder operation mode (see col. 6, lines 5-40).

As of claims 12, 13, 25, 35, 36 and 37, Amtmann disclsoes that the portable device 1 supports near field communication standard, wherein reader device is operable with a passive communication mode and in active communication mode is reader operation mode (via portable device 1 communicating with other reader devices/external communication station 14 and communicating with other tags 13; see fig. 1; also see paragraph [0021]). Amtmann further discloses that the portable device is operable with a show communication mode in transponder operation mode (via data carrier configuration 11 receiving signals from external communication station and transmitting a reply back). Further the reader device RD1 in Charrat is also operable in a passive communication mode while operating in a reader mode and reader RD1 is operable with a show communication mode in transponder operation mode (see col. 2, lines 30-45).

As of claim 26, Amtmann disclsoes that the portable device 1, is in the form of a cell phone, so the device is able to communicate via a public land mobile network (see paragraph [0015]).

Response to Arguments

4. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NABIL H. SYED whose telephone number is (571)270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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